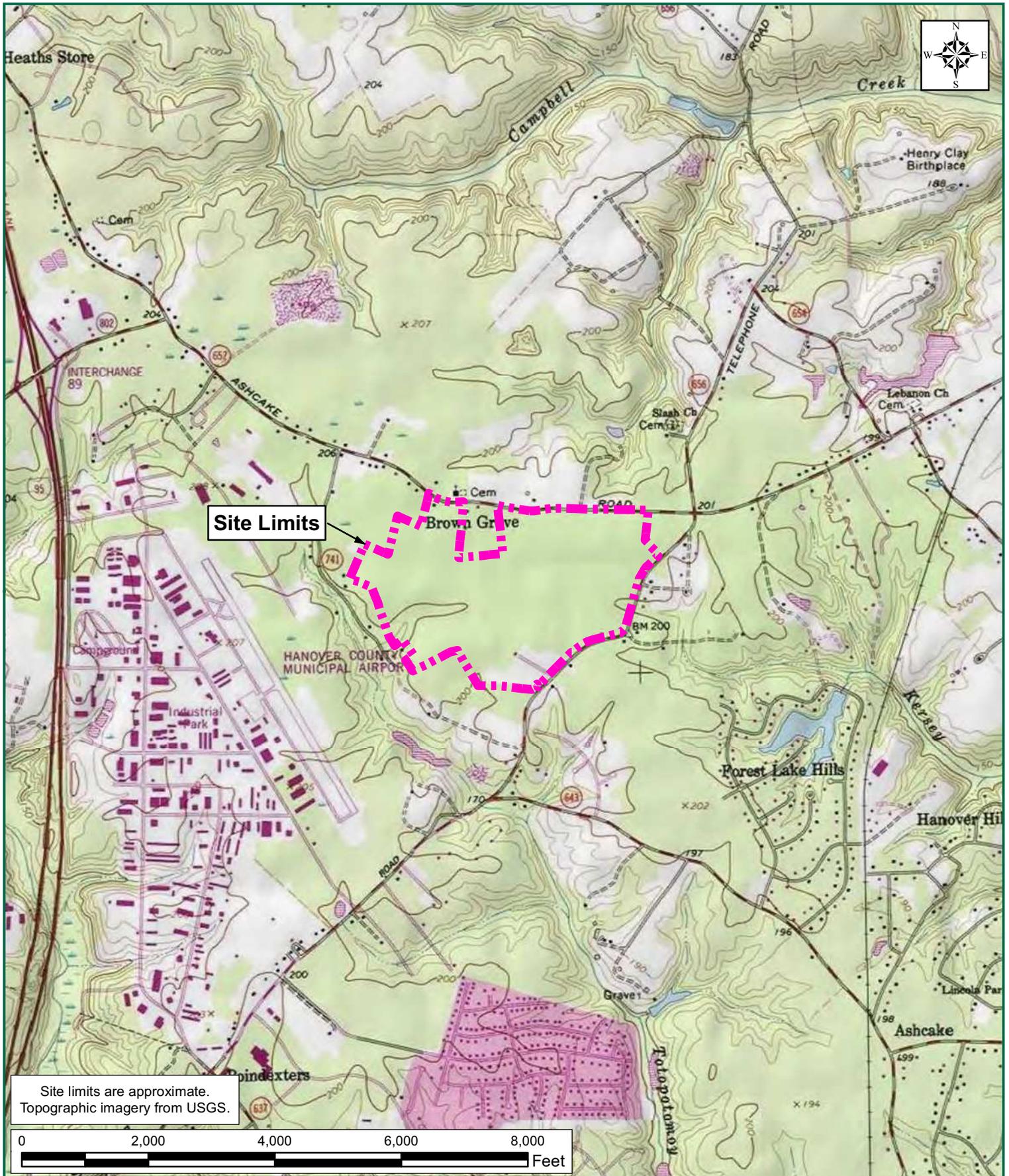
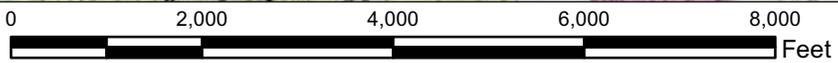


FIGURE 1
VICINITY MAP



Site Limits

Site limits are approximate.
Topographic imagery from USGS.



WEGMANS DISTRIBUTION CENTER
 HANOVER COUNTY, VIRGINIA
 FIGURE 1: VICINITY MAP

TIMMONS GROUP
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TIMMONS GROUP JOB NUMBER: 43977
 PROJECT STUDY LIMITS: 217.3 ACRES
 LATITUDE: 37.712197
 LONGITUDE: -77.423427

U.S.G.S. QUADRANGLE(S): YELLOW TAVERN
 DATE(S): 1975
 WATERSHED(S): PAMUNKEY
 HYDROLOGIC UNIT CODE(S): 02080106

FIGURE 2
HYDROLOGIC UNIT CODE MAP

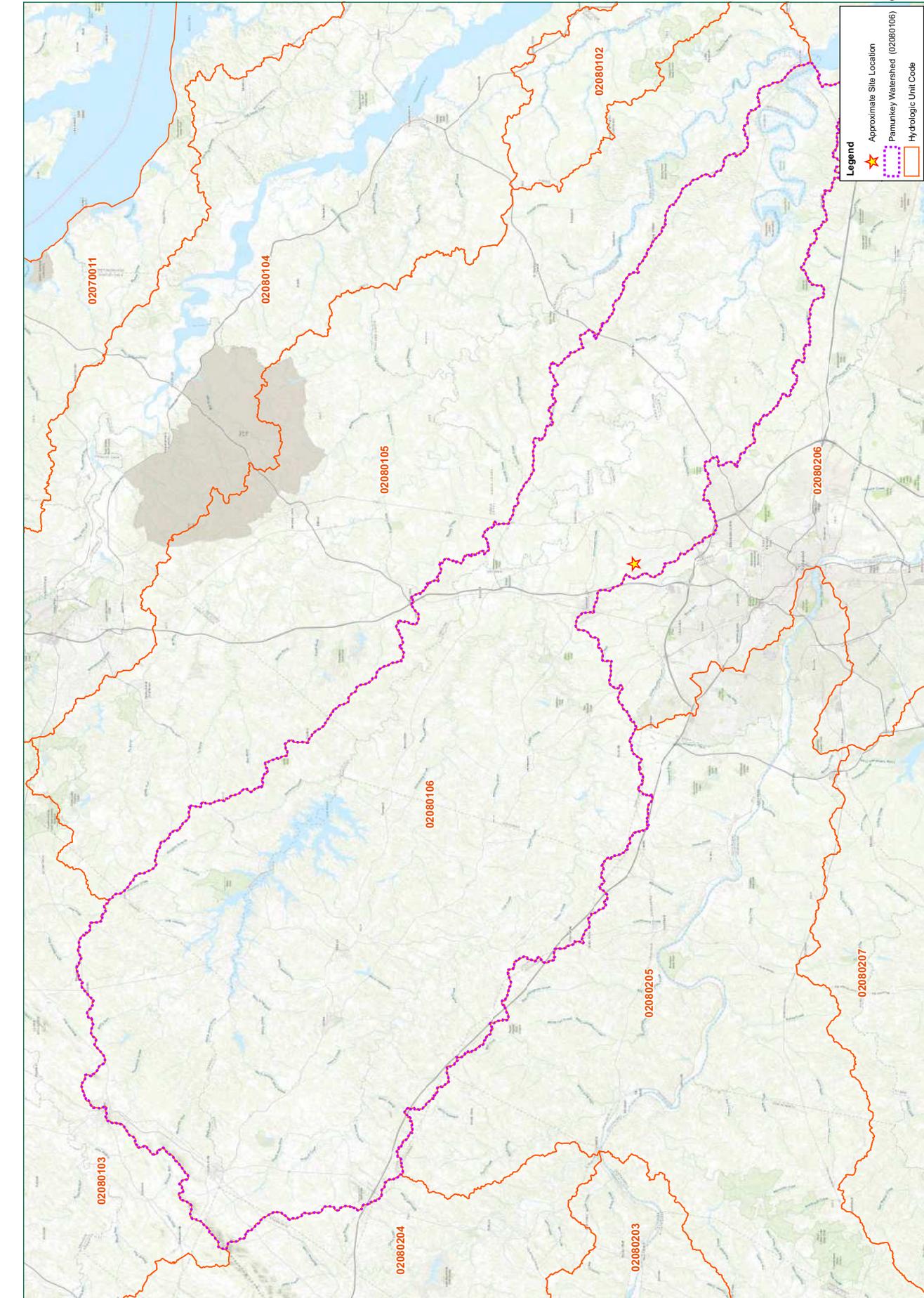
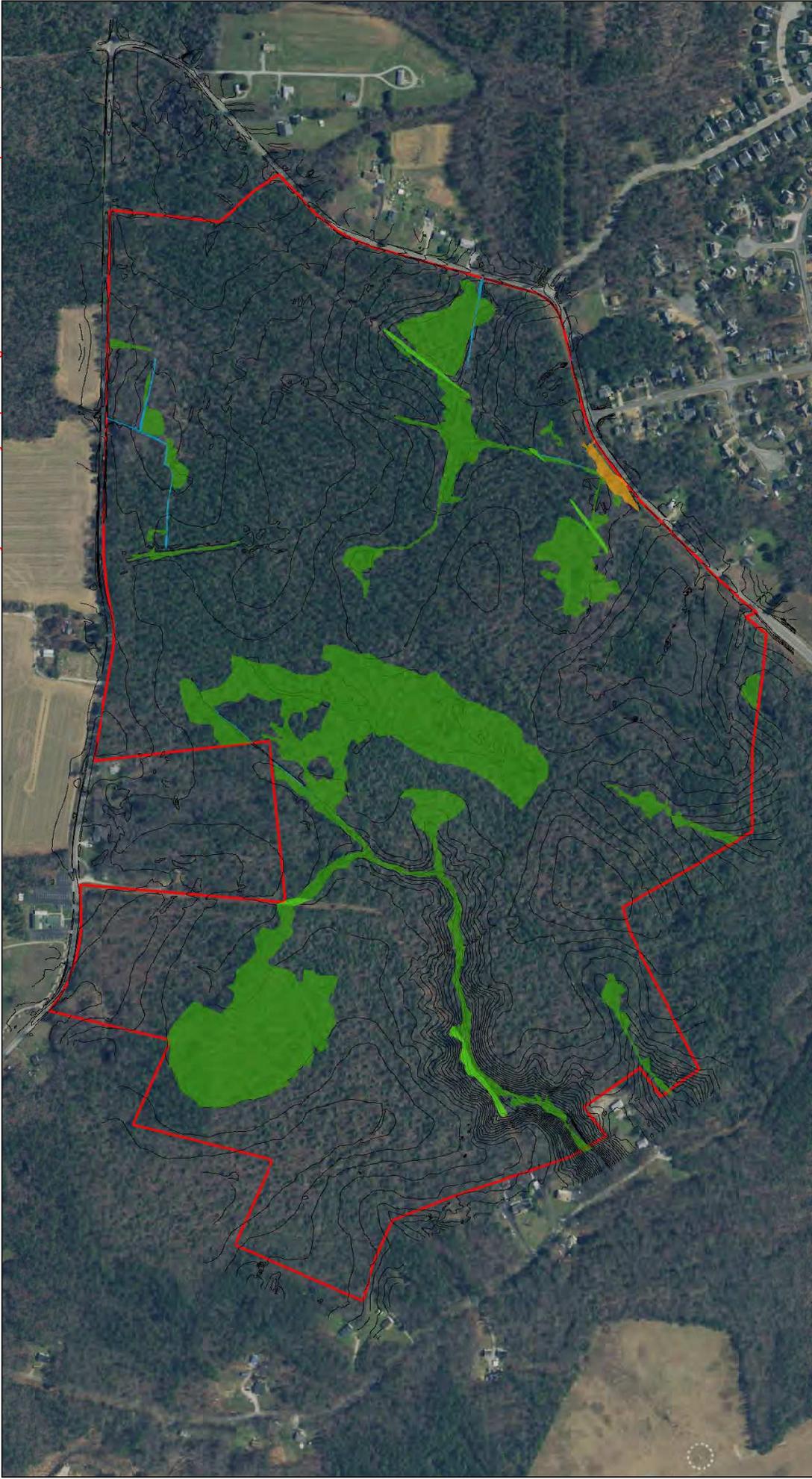


FIGURE 3
ENVIRONMENTAL INVENTORY MAP

FIGURE 4
CONFIRMED WATERS OF THE UNITED STATES (WOUS) MAP



Legend

-  Study Area
-  PEM
-  PFO
-  PSS
-  J Ditch

Delineated WOUS

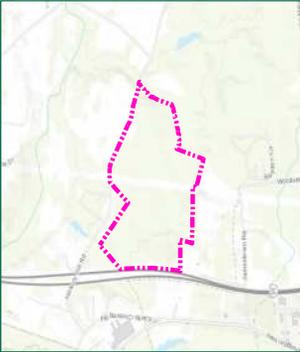
Airpark Project Area
Confirmed WOUS Map

WOUS Limits Confirmed on
October 16, 2019 and Rev. September 9, 2020
Study Area Limits revised on
December 10, 2019



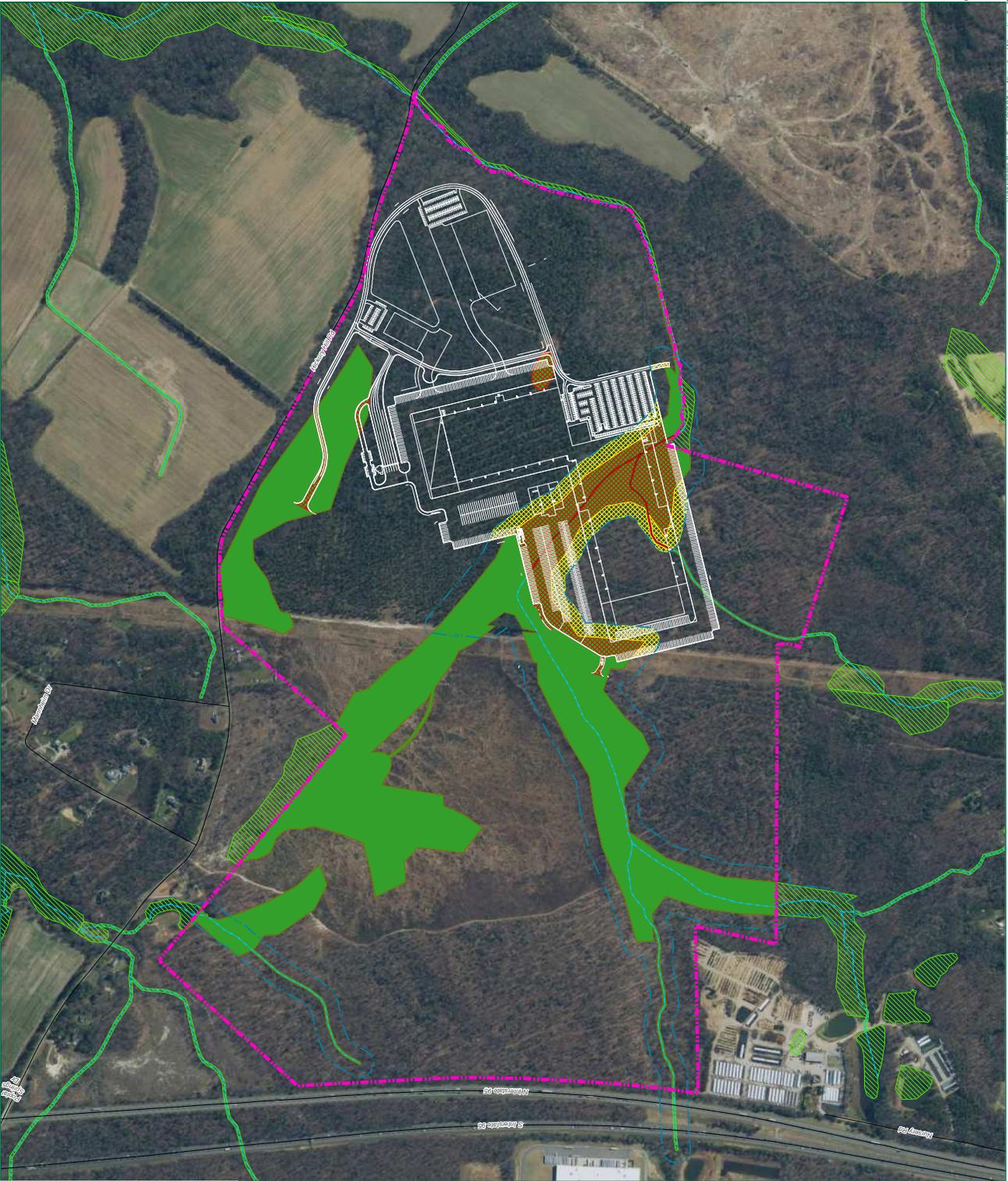
FIGURE 5
OFFSITE ALTERNATIVE 1, FLIPPO SITE

FIGURE 6
OFFSITE ALTERNATIVE 2, BLENHEIM SITE



Legend

-  Project Limits - 506 Acres
-  Resource Protection Area
-  Stream Impacts - 2,366 lf
-  National Hydrography Dataset
-  RPA Impacts - 9.6 Acres
-  Wetland Impact - 16.4 Acres
-  Onsite Wetlands From NWI
-  National Wetlands Inventory



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 www.timmons.com

WEGMANS DISTRIBUTION CENTER - BLENNHEIM 2
 HANOVER COUNTY, VIRGINIA

DATE: 08/10/2020
 PROJECT NUMBER: 43977
 PROJECT NAME: WEGMANS - BLENNHEIM
 PROJECT LOCATION: BLENNHEIM
 PROJECT MANAGER: A. MEGHROUB

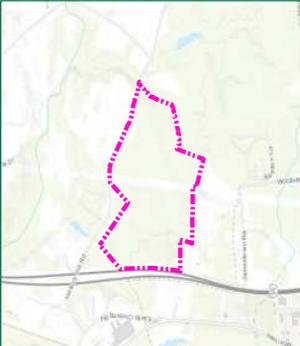
1. Project Limits from approximations
2. NWI from US Fish and Wildlife
3. National Hydrography Dataset
4. Wetland Impacts from NWI
5. Wetland Impacts from VGIN

These data are derived from public domain sources. Any errors or omissions are the responsibility of the user. The user should verify the accuracy, completeness, and currency of the data before using it for any purpose.

NO.	REVISIONS	DATE

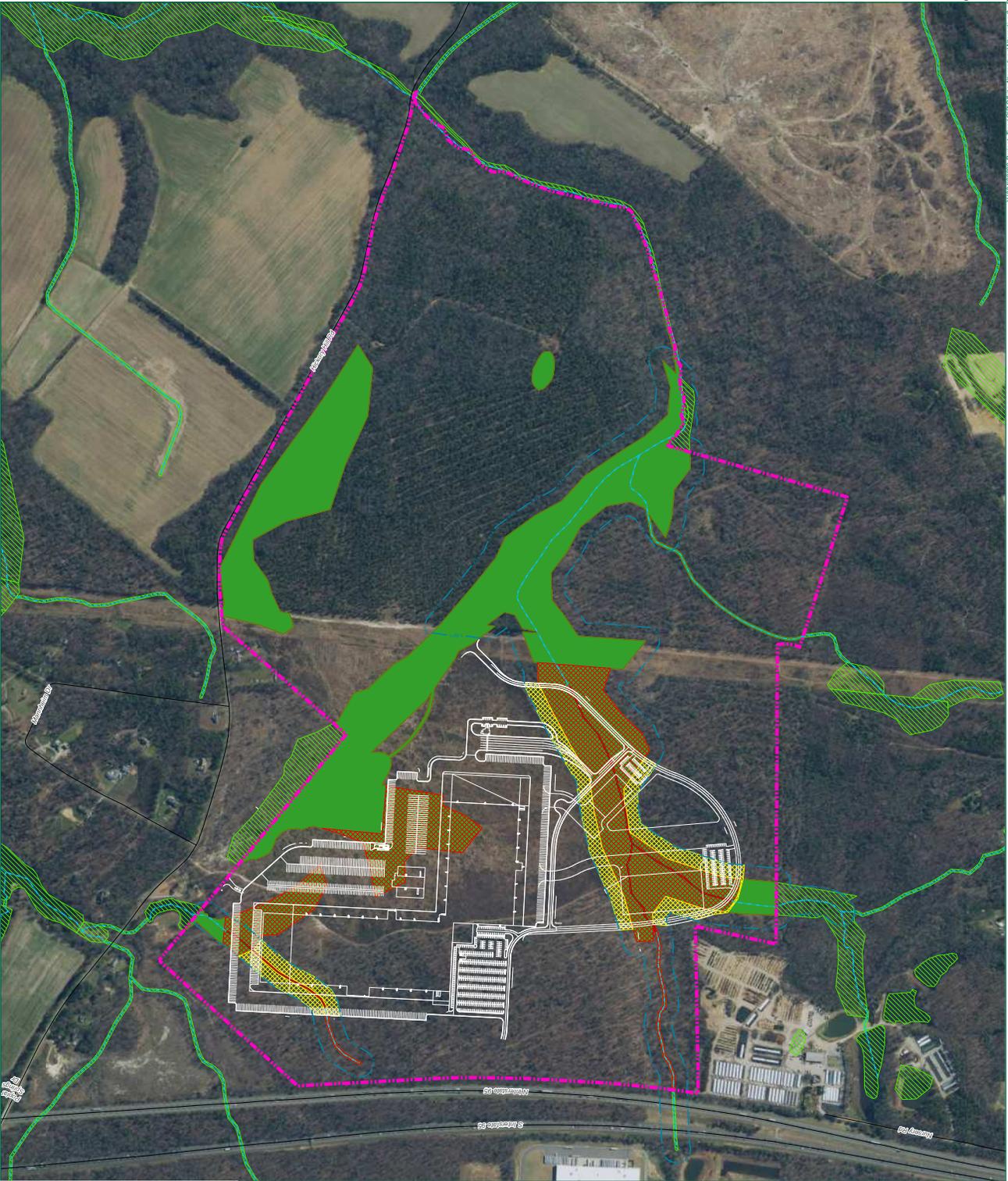
FIGURE 6:
 ESTIMATED WETLANDS AND WATERS IMPACTS MAP - OFFSITE BLENNHEIM SITE 2

 SCALE (FEET)
 0 350 700
 GRAPHIC SCALE: 1" = 350'
 NORTH ARROW: 1



Legend

-  Project Limits - 506 Acres
-  Resource Protection Area
-  Stream Impacts - 3,704 lf
-  National Hydrography Dataset
-  RPA Impacts - 11.9 Acres
-  Wetland Impact - 33.2 Acres
-  Onsite Wetlands From NWI
-  National Wetlands Inventory



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 www.timmons.com

WEGMANS DISTRIBUTION CENTER - BLENNHEIM 1
 HANOVER COUNTY, VIRGINIA

DATE: 08/10/2020
 PROJECT NUMBER: 43977
 PROJECT NAME: WEGMANS - BLENNHEIM
 PREPARED BY: TIMMONS GROUP
 APPROVED BY: A. MEHFOUD

1. Project limits and wetlands
2. NWI from US Fish and Wildlife
3. National Hydrography Dataset
4. Onsite Wetlands
5. Wetland Impacts from NWI

These data are derived from public domain sources. Any errors or omissions are the responsibility of the user. Timmons Group is not responsible for any errors or omissions in these data.

NO.	REVISIONS

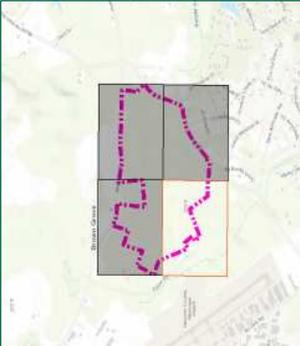
FIGURE 6:
 ESTIMATED WETLANDS AND WATERS IMPACTS MAP - OFFSITE, BLENNHEIM SITE 1

SCALE (FEET)
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 NORTH
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FIGURE 7
OFFSITE ALTERNATIVE 3, ARCHIE CANNON SITE

FIGURE 8
OFFSITE ALTERNATIVE, GRAYMONT SITE

APPENDIX A
WETLANDS AND WATERS IMPACTS MAP



Impact ID	Wetland (Ac. @)		Impacts (Ac.)		Total
	Permanent	Secondary	Permanent Impact	Secondary Impact	
1A	4.630				
2B	2.803				
3A	5.703				
4B		22.23		0.74	23.00
5	3.885				
6	0.24		37.159		
7A	15.038				
8B	2.754			505	
9	10.064				
10	1.037				
11	2.402				
12	0.119				
13	1.524				
14	0.525				
15	0.933				
16	1.691				
17	1.276				
18	0.004				
19	0.004				
20	0.004				
21	0.004				
22	0.004				
23	0.004				
24	0.004				
25	0.004				
26	0.004				
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300	0.004				

Legend

- Project Study Limits - 217.3 Acres
- Limits of Disturbance - 127.7 Acres
- Wetland/Ditch Impact
- Permanent Wetland/Ditch Impact
- Secondary Wetland/Ditch Impact
- Palustrine Forested (PFO) Wetlands
- Palustrine Emergent (PEM) Wetlands
- Palustrine Scrub-Shrub (PSS) Wetlands
- Ditch
- Proposed RIPRAP
- Property Setback
- Proposed Fence
- Proposed Culverts
- Proposed UGP
- Proposed Grading
- Existing Grading



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Wetlands & Waters Impact Information

Impact ID	Wetland/Water Impact Description*	Wetland Impact Area		Ditch Impact Area		Apprx. Vol. of Fill below OHW	Cowardin Classification of Impacted Wetland/Water	Average Stream Flow	Drainage Area	DEQ Classification of Impacted Resource
		s.f.	acres	L	s.f.					
(1,2, etc.)										
1	F,NT,PE,V	22,550	0.52				PFO	n/a	n/a	VII
2A	F,NT,PE,V	8,496	0.20				PFO	n/a	n/a	VII
2B	F,NT,PE,V	2,650	0.06				PEM	n/a	n/a	VII
3A	F,NT,PE,V	5,705	0.13				PFO	n/a	n/a	VII
3B	F,NT,PE,V				574		Ditch	n/a	n/a	VII
4A	NT,PE,V, Secondary	22,223	0.51				PFO	n/a	n/a	VII
4B	NT,PE,V, Secondary				357		Ditch	n/a	n/a	VII
5	F,NT,PE,V	3,085	0.07				PFO	n/a	n/a	VII
6	NT,PE,V, Secondary	37,459	0.86				PFO	n/a	n/a	VII
7	F,NT,PE,V	434,465	9.97				PFO	n/a	n/a	VII
8A	F,NT,PE,V	15,038	0.35				PFO	n/a	n/a	VII
8B	F,NT,PE,V				505		Ditch	n/a	n/a	VII
9A	F,NT,PE,V	5,247	0.12				PEM	n/a	n/a	VII
9B	F,NT,PE,V	2,734	0.06				PFO	n/a	n/a	VII
10	F,NT,PE,V	197	0.00				PFO	n/a	n/a	VII
11	F,NT,PE,V	3,465	0.08				PFO	n/a	n/a	VII
12	F,NT,PE,V	10,864	0.25				PFO	n/a	n/a	VII
13	F,NT,PE,V	23,924	0.55				PFO	n/a	n/a	VII
14	F,NT,PE,V	1,954	0.04				PFO	n/a	n/a	VII
15	F,NT,PE,V	1,037	0.02				PFO	n/a	n/a	VII
16	F,NT,PE,V	2,199	0.05				PEM	n/a	n/a	VII
17	F,NT,PE,V	2,462	0.06				PFO	n/a	n/a	VII
18A	F,NT,PE,V	6,179	0.14				PFO	n/a	n/a	VII
18B	NT,PE,V, Secondary	13	0.00				PFO	n/a	n/a	VII
19	F,NT,PE,V	1,524	0.03				PFO	n/a	n/a	VII
20	F,NT,PE,V				3607		Ditch	n/a	n/a	VII
21	F,NT,PE,V	10,252	0.24				PFO	n/a	n/a	VII
22	F,NT,PE,V	9,003	0.21				PFO	n/a	n/a	VII
23	F,NT,PE,V				1378		Ditch	n/a	n/a	VII
24	F,NT,PE,V	1,491	0.03				PFO	n/a	n/a	VII
25A	F,NT,PE,V	1,276	0.03				PFO	n/a	n/a	VII
25B	NT,PE,V, Secondary	2,741	0.06				PFO	n/a	n/a	VII
Total		638,233	14.65	0	6,421					

* Use all that apply: F-fill, EX-excavation, S-Structure, T-tidal, NT-non-tidal, TE-temporary, PE-permanent, PR-perennial, IN-intermittent, EP-ephemeral, SB-subaqueous bottom, DB-Dune/Beach, IS-hydrologically isolated, V-vegetated, NV-non-vegetated, MC-mechanized clearing of PFO

APPENDIX B

WETLAND MITIGATION CREDIT AVAILABILITY LETTER



EARTHSOURCE SOLUTIONS, INC.

"Tomorrow's Natural Resources Today"

September 9, 2020

Timmons Group
ATTN: Matt Neely, PWD
1001 Boulders Parkway, Suite 300
Richmond, VA 23225

Re: New Kent Environmental Bank – Wetland and Stream Credit Availability

Project Reference: Hanover County Project

Dear Mr. Neely,

This letter is to confirm the availability of authorized Wetland and Waters of the US credits at the New Kent County facility. The New Kent Environmental Bank has been authorized to transfer credits in the approved York River Basin service area. Current available credits include up to **53.4419** wetland credit/ acres and **6,964.91** LF of US waters and associated 100 ft. riparian buffers to resolve impacts permitted under federal regulations. These credits are available in accordance with our Bank Development Plan and Mitigation Banking Instrument that were authorized by the USACE and VADEQ on July 17, 2002.

If we can provide further assistance please feel free to contact our office.

Scott A. Reed

Scott A. Reed
Vice President
EarthSource Solutions Inc.
Managing Agent for Luck Stone Corporation
New Kent Environmental Bank #01-R0094

APPENDIX C
JURISDICTIONAL DETERMINATION INFORMATION



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

September 15, 2020

PRELIMINARY JURISDICTIONAL DETERMINATION

Southern Virginia Regulatory Section
NAO-2012-02369 (Kersey Creek and Totopotomoy Creek)

Air Park Associates, L.P.
c/o Phillip W. Dean
11277 Air Park Road
Ashland, Virginia 23005

Dear Air Park Associates, L.P.:

This letter is regarding your request for a preliminary jurisdictional determination (PJD) for waters of the United States (including wetlands) on an approximately 217.3-acre project area known as Hanover Air Park. The project area is located at southwest corner of the intersection of Sliding Hill Road and Ashcake Road in Hanover County, Virginia (Center Coordinates: 37.711435, -77.423739). The project area consists of all or portions of the following 21 separate tax parcels that are owned by Airpark Associates, L.P.

7798-54-5903
7798-45-3554
7798-44-0937
7798-44-0663
7798-44-2350
7798-43-4904
7798-53-1614
7798-43-8505
7798-43-4481
7798-35-4750
7798-35-1840
7798-35-3160
7798-35-0225
7798-25-6471
7798-25-1001
7798-24-4811
7798-24-6569
7798-24-8382
7798-34-2121
7798-33-3765
7798-33-9427

This PJD supersedes and replaces all previous PJDs issued on the above referenced project area. The map entitled "Airpark Project Area Confirmed WOUS Map", by RK&K revised on September 9, 2020 and received by the Corps on September 9, 2020 (copy enclosed) provides the locations of the aquatic resources on the project area described above. Table 1 below provides the area of aquatic resources on the project area described above.

Classification	Labels	Area (acres)
Ditch	Ditch 1	0.092
Ditch	Ditch 2	0.032
Ditch	Ditch 3	0.024
Ditch	Ditch 4	0.021
Ditch	Ditch 5	0.015
Ditch	Ditch 6	0.058
PFO	Wetland 1	0.142
PFO	Wetland 2	0.035
PFO	Wetland 3	0.235
PFO	Wetland 4	0.207
PFO	Wetland 5	0.034
PFO	Wetland 6	0.081
PFO	Wetland 7	6.938
PFO	Wetland 8	0.721
PFO	Wetland 9	8.639
PFO	Wetland 10	2.733
PFO	Wetland 11	1.501
PEM	Wetland 13	0.261
PFO	Wetland 13	0.695
PFO	Wetland 14	0.386
PFO	Wetland 15	0.478
PFO	Wetland 16	0.161
PFO	Wetland 17	1.791
PEM	Wetland 18	0.066
PFO	Wetland 19	0.131
PFO	Wetland 20	0.026
PSS	Wetland 21	0.336
PFO	Wetland 22	0.019
PFO	Wetland 23	0.044
PEM	Wetland 24	0.022
PFO	Wetland 25	0.052
PFO	Wetland 26	1.820
PFO	Wetland 27	0.034
PEM	Wetland 28	0.141
PFO	Wetland 29	1.655
PFO	Wetland 30	0.148
PEM	Wetland 31	0.061

Table 1. Labels are shown on map "Airpark Project Area Confirmed WOUS Map" included in February 11, 2020 PJD package. Total acreage for Ditches: 0.242 acres, PEM: 0.551, PFO: 28.706, PSS: 0.336.

The basis for this delineation includes application of the Corps' 1987 Wetland Delineation Manual (and Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Atlantic and Gulf Coastal Plain Region) and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation and the presence of ordinary high water marks. This letter is not confirming the Cowardin classifications of these aquatic resources.

Discharges of dredged or fill material, including those associated with mechanized landclearing, into waters and/or wetlands on this site may require a Department of the Army permit and authorization by state and local authorities including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), a permit from the Virginia Marine Resources Commission (VMRC) and/or a permit from your local wetlands board. This letter is a confirmation of the Corps preliminary jurisdiction for the waters and/or wetlands on the subject property and does not authorize any work in these areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

This is a preliminary jurisdictional determination and is therefore not a legally binding determination regarding whether Corps jurisdiction applies to the waters or wetlands in question. Accordingly, you may either consent to jurisdiction as set out in this preliminary jurisdictional determination and the attachments hereto if you agree with the determination, or you may request and obtain an approved jurisdictional determination. This preliminary jurisdictional determination and associated wetland delineation map may be submitted with a permit application.

Enclosed is a copy of the "Preliminary Jurisdictional Determination Form". Please review the document, sign, and return one copy to Mr. Todd Miller, of my staff, either via email (todd.m.miller@usace.army.mil) or via standard mail to US Army Corps of Engineers, Regulatory Office, ATTN: Todd Miller within 30 days of receipt and keep one for your records. This delineation of waters and/or wetlands can be relied upon for no more than five years from the date of this letter. New information may warrant revision.

If you have any questions, please contact Mr. Miller, either via telephone at 804-323-3782 or via email (see above).

Sincerely,

William T. Walker

William T. Walker
Chief, Regulatory Branch

Enclosure(s):

Notification of Administrative Appeal Options and Process and Request for Appeal
Wetland Delineation Map entitled "Airpark Project Area Confirmed WOUS Map", by
RK&K revised on September 9, 2020 and received by the Corps on September 9, 2020
Preliminary Jurisdictional Determination Form
Supplemental Preapplication Information

Cc: Matt Neely (Agent, Timmons Group)
Richard Wiley and Malachi Mills (Agent, RK&K)
Paul Davenport and James Theobald (Legal Representation, Hirschler Fleischer)
Bryan Jones (Virginia Department of Environmental Quality)
E. Linwood Thomas IV (Hanover Economic Development Authority)

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION:

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): Tuesday, September 15, 2020

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Air Park Associates, L.P.
c/o Phillip W. Dean
11277 Air Park Road
Ashland, Virginia 23005

C. DISTRICT OFFICE: Norfolk District (CENAO-REG)

FILE NAME: Wegmans

FILE NUMBER: NAO-2012-02369

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State: **VIRGINIA** County/parish/borough: Hanover City:

Center coordinates of site (lat/long in degree decimal format):

Latitude: 37.711435 ° N Longitude: -77.423739 ° W

Universal Transverse Mercator:

Name of nearest waterbody: Kersey Creek and Totopotomoy Creek

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet; width (ft); and/or 0.242 acres.

Cowardin Class: Ditch

Stream Flow:

Wetlands: 29.593 acres

Cowardin Class: PFO, PSS, PEM

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: September 15, 2020

Field Determination. Date(s): August 19, 2020 and August 21, 2020

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring “pre-construction notification” (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant’s acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

3. This preliminary JD finds that there “*may be*” waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA:

Data reviewed for preliminary JD (check all that apply) - checked items should be included in case file and, where checked and requested, appropriately reference sources below.

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:
Airpark Project Area Confirmed WOUS Map”, by RK&K revised on September 9, 2020 and received by the Corps on September 9, 2020

- Data sheets prepared/submitted by or on behalf of the applicant/consultant.
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: CDP-1, CDP-2, CDP-3
- Corps navigable waters' study:
- U.S. Geological Survey Hydrologic Atlas:
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: Yellow Tavern, 1975 and 2016
- USDA Natural Resources Conservation Service Soil Survey.

Citation: USDA NRCS Web Soil Survey (accessed 8/24/20)
- National wetlands inventory map(s). Cite name:
 - State/Local wetland inventory map(s):
 - FEMA/FIRM maps:
 - 100-year Floodplain Elevation: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth Pro Historic Aerial Imagery
or Other (Name & Date):
- Previous determination(s): PJD Issued

File no. and date of response letter: NAO-2012-02369 - February 11, 2020
- Other information (please specify): USGS Nationwide 3DEPElevation, Hanover County Parcel Search and Mapping Application (Accessed 9-4-20), USDA NRCS County Soil Survey Hanover County VA (1980), Antecedent Precipitation Tool

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

William T. Walker

Signature
Regulatory Project Manager
(REQUIRED)

2020-09-15

Date

Signature of person requesting
Preliminary JD
(REQUIRED, unless obtaining the signature is impracticable)

Date

SAMPLE

Site Number	Latitude	Longitude	Cowardin Class	Estimated amount of aquatic resource in review area	Class of aquatic resource



DEPARTMENT OF THE ARMY
US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1011

September 15, 2020

Supplemental Preapplication Information

Project Number: NAO-2012-02369

1. A search of the Virginia Department of Historic Resources data revealed the following:

- No known historic properties are located on the property.
- Tribal consultation may be required.
- The following known architectural resources are located on the property:

VDHR ID: 042-5019 Hanover Court House Battlefield

- The following known archaeological resources are located on the property:

VDHR ID: 44HN0452 Brown Grove School

VDHR ID: 44HN0326 No Site Name

VDHR ID: 44HN0449 No Site Name

- The following known historic resources are located in the vicinity of the property (potential for effects to these resources from future development):

NOTE:

- 1) *The information above is for planning purposes only. In most cases, the property has not been surveyed for historic resources. Undiscovered historic resources may be located on the subject property or adjacent properties and this supplemental information is not intended to satisfy the Corps' requirements under Section 106 of the National Historic Preservation Act (NHPA).*
- 2) *Prospective permittees should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.*

2. A search of the data supplied by the U.S. Fish & Wildlife Service, the Virginia Department of Conservation and Recreation and the Virginia Department of Game and Inland Fisheries revealed the following:

- No known populations of threatened or endangered species are located on or within the vicinity of the subject property.
- The following federally-listed species may occur within the vicinity of the subject property:

Northern Long-eared Bat (*Myotis septentrionalis*)

Please note this information is being provided to you based on the preliminary data you submitted to the Corps relative to project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: Air Park Associates, L.P.		File Number: NAO-2012-02369	Date: 9-15-2020
Attached is:		See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
X	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/appeals.aspx> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

If you only have questions regarding the appeal process you may also contact:

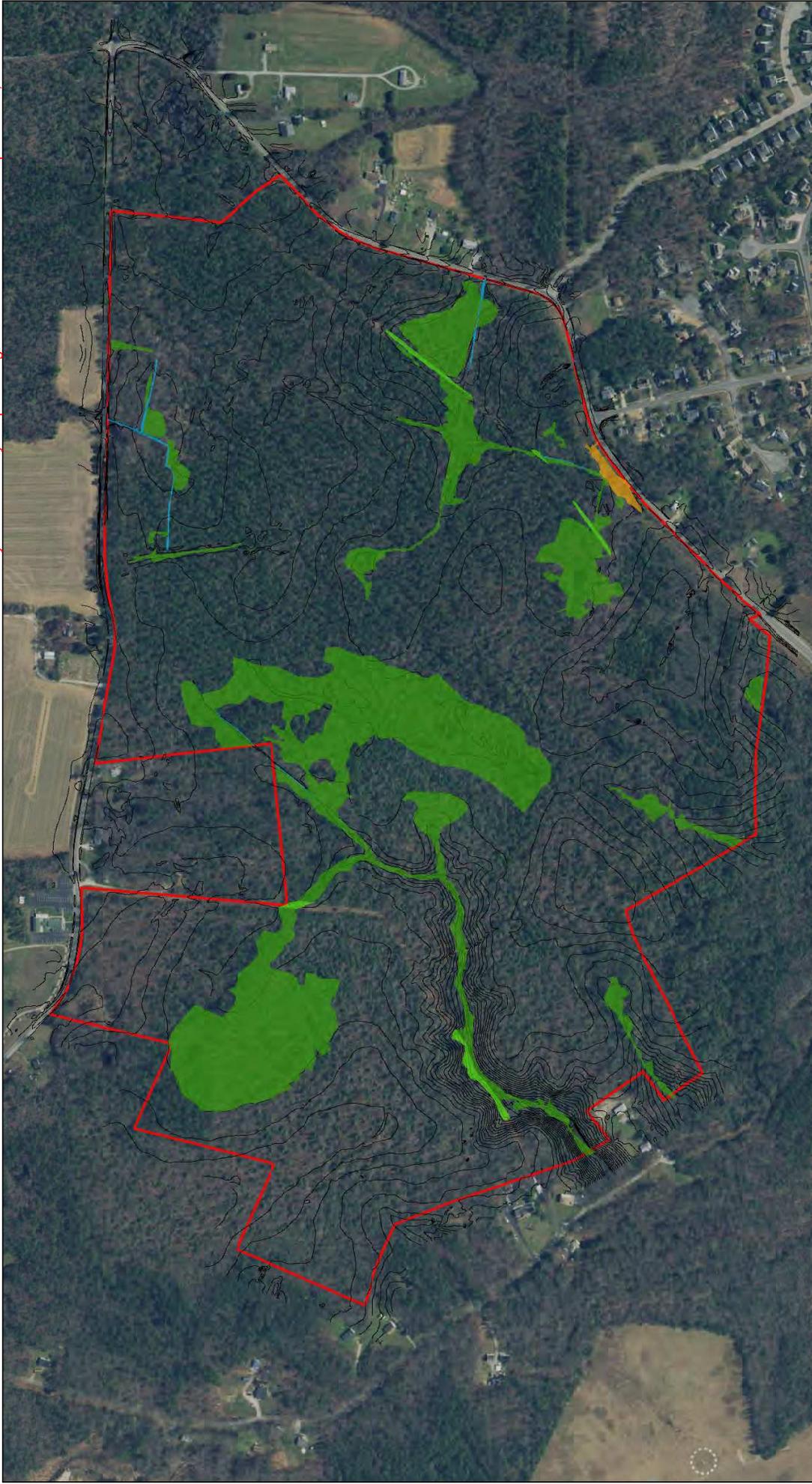
Mr. James W. Haggerty
Regulatory Program Manager (CENAD-PD-OR)
U.S. Army Corps of Engineers
Fort Hamilton Military Community
301 General Lee Avenue
Brooklyn, New York 11252-6700
Telephone number: 347-370-4650

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:



Legend

-  Study Area
-  PEM
-  PFO
-  PSS
-  J Ditch

Airpark Project Area

Confirmed WOUS Map

WOUS Limits Confirmed on
October 16, 2019 and Rev. September 9, 2020
Study Area Limits revised on
December 10, 2019

